UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 April 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some *   c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Receipt is acknowledged of the Amendment filed on April 10, 2008.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase, "abstract … measurement," in claims 1-4 and 9-12 renders the claims indefinite. The phrase, "abstract … measurement," is not defined by the claim, the specification does not provide a definition, and/or example for assisting with the discernment and/or interpretation of the phrase within the scope of the present invention; and therefore, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Dependent claims 5-8 and 13-16 are indefinite due to their dependency on the indefinite claims.

For the purpose of examination against prior art, the phrase will be set aside.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-5 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorn

(US 20010040987 A1).

Re claim 1: Bjorn discloses a method to create within a computer system, an association

(1150 in fig 11B) between the appearance of a physical token memento object (token = finger

print, which are captured and digitized: 525 in fig 5, Fig 12B: to an expert trained in the

fingerprint recognition art, a particular fingerprint can be a memento, since a particular

fingerprint can remind the expert about the owner of the fingerprint.) and one or more stored

files (par 0108: "The user can associate files and applications which can be opened automatically

after a successful fingerprint validation process."), said method comprising: measuring physical

parameters of said physical token memento object (fig 5); creating a token identity from the

obtained measurements (1145 in fig 11B) which token identity is based on consistent and

repeatable measurement (measurement of fingerprint is consistent and repeatable) without

requiring recognition of specific element of the object being measured (In fingerprint

measurement, specific element of the fingerprint such as specific segment of the valleys and/or

ridges of the fingerprint is not recognized. Rather the entire fingerprint is recognized as

belonging to a specific person.); storing said electronic identity in an identity store (1145 in fig

11B); and associating said one or more stored files with said token identity (1150, 1155, 1160 &

1165 in fig 11B).

Re claim 2: Bjorn discloses a method to create within a computer system, an association

(1150 in fig 11B) between the appearance a physical token memento object (token = finger print,

which are captured and digitized: 525 in fig 5, fig 12B) and information of the location (1165 in

fig 11B) of one or more files, said method comprising: measuring physical parameters of said

physical token memento object (fig 5); creating a token identity from the obtained measurement

(1145 in fig 11B) which token identity is based on consistent and repeatable measurement

(measurement of fingerprint is consistent and repeatable) without requiring recognition of

specific element of the object being measured (In fingerprint measurement, specific element of

the fingerprint such as specific segment of the valleys and/or ridges of the fingerprint is not

recognized. Rather the entire fingerprint is recognized as belonging to a specific person.); and

storing said electronic identity in an identity store (1145 in fig 11B); and associating said token

identity with said information of the location of one or more files (1165 in fig 11B).

Re claim 3: Bjorn discloses a method to retrieve one or more stored files within a

computer system (fig 13), by use of a stored token identity (1145 in fig 11B, 1330 in fig 13)

created from measuring the physical parameters of a physical token memento object (fig 5),

where said token identity is associated with said one or more stored files (1150 & 1155 in fig

11B), which token identity is based on consistent and repeatable measurement (measurement of

fingerprint is consistent and repeatable) without requiring recognition of specific element of the

object being measured (In fingerprint measurement, specific element of the fingerprint such as

specific segment of the valleys and/or ridges of the fingerprint is not recognized. Rather the

entire fingerprint is recognized as belonging to a specific person.); comprising: creating a

subsequent identity for said token by again measuring said physical parameters of said token

(1330 in fig 13, par 0128); searching between a match for said subsequent identity and said token

identity (1330 in fig 13); and upon the location of a match, retrieving said one or more stored

files which are associated with said stored token identity (par 0129 - 0130)

Re claim 4: Bjorn discloses a method to create within a computer system, an association

(1150 in fig 11B) between the physical parameters of a physical token memento object and one

or more stored files (1150- 1165 in fig 11B) for the purpose of retrieving and presenting said one

or more stored files (par 1325-1365), said method comprising: measuring said physical

parameters of said token (525 in fig 5, fig 12B); creating a token identity from the obtained

measurement (1145 in fig 11B, 1330 in fig 13) which token identity is based on consistent and

repeatable measurement (measurement of fingerprint is consistent and repeatable) without

requiring recognition of specific element of the object being measured (In fingerprint

measurement, specific element of the fingerprint such as specific segment of the valleys and/or

ridges of the fingerprint is not recognized. Rather the entire fingerprint is recognized as

belonging to a specific person.); storing said token identity in an identity store (1145 in fig 11B:

"database"); associating within said computer system, said stored file with said token identity

(1145, 1150, & 1155 in fig 11B) subsequently measuring said physical parameters of said token

(fig 5); creating a subsequent identity for said token using subsequent measurement data

obtained from said subsequent measurement (1145 in fig 11B); searching in said identity store

for a match with said subsequent identity (1130 in fig 13); upon the location of a match,

retrieving said one or more stored files (1365 in fig 13); and presenting said retrieved file to a

user.

Re claim 5: Bjorn discloses a method according to claim 1, wherein said parameters of

said token comprise the size and/or shape (fig 12B & 12C) and/or color of said token.

Re claim 9: Bjorn discloses apparatus to create within a computer system, an association

between the appearance a physical token memento object and one or more stored files (1150-

1165 in fig 11B), said apparatus comprising: measuring means (260 in fig 2, 860 in fig 8) by

which said physical parameters of said token are measured (525 in fig 5, fig 12B); processing

means to create a token identity from measurement (1145 in fig 11B, 1330 in fig 13); data

obtained by said measuring means (535 in fig 5) which token identity is based on consistent and

repeatable measurement (measurement of fingerprint is consistent and repeatable) without

requiring recognition of specific element of the object being measured (In fingerprint

measurement, specific element of the fingerprint such as specific segment of the valleys and/or

ridges of the fingerprint is not recognized. Rather the entire fingerprint is recognized as

belonging to a specific person.); an identity store (1145 in fig 11B: database) to store said token

identity; a file store to store said one or more files (1040 in fig 10); and means to associate said

token identity and said files (1150 – 1165 in fig 11B).

Re claim 10: Bjorn discloses apparatus to create within a computer system, an association

between the appearance a physical token memento object (1150- 1165 in fig 11B) and

information of the location of one or more files (1165 in fig 11B), said apparatus comprising:

measuring means (260 in fig 2, 860 in fig 8) by which physical parameters of said token are

measured (525 in fig 5, fig 12B); processing means to create a token identity from measurement

data obtained by said measuring means (1145 in fig 11B, 1330 in fig 13) which token identity is

based on consistent and repeatable measurement (measurement of fingerprint is consistent and

repeatable) without requiring recognition of specific element of the object being measured (In

fingerprint measurement, specific element of the fingerprint such as specific segment of the

valleys and/or ridges of the fingerprint is not recognized. Rather the entire fingerprint is

recognized as belonging to a specific person.); an identity store to store said token identity (1145

in fig 11B: database); a location information store to store said file location information (1165 in

fog 11B : "boot sector'); and means to associate said token identity and said file location

information (1150-1165 in fig 11B).

Re claim 11: Bjorn discloses apparatus to retrieve within a computer system, one or more

stored files by use of a token identity created from measuring physical parameters of a physical

token memento object (1325-1365 in fig 13), where said token identity is associated with said

one or more stored files (1150-1165 in fig 11B), said apparatus comprising: measuring means

(260 in fig 2, 860 in fig 8) by which physical parameters of said token are measured (525 in fig

5, fig 12B); means to create a subsequent identity for said token from measurement data obtained

from said measuring means (1145 in fig 11B) which token identity is based on consistent and

repeatable measurement (measurement of fingerprint is consistent and repeatable) without

requiring recognition of specific element of the object being measured (In fingerprint

measurement, specific element of the fingerprint such as specific segment of the valleys and/or

ridges of the fingerprint is not recognized. Rather the entire fingerprint is recognized as

belonging to a specific person.); means to search for a match for said subsequent identity with

said token identity (1330 in fig 13); and means to retrieve said one or more stored files, based on

the identification of a match or a partial match between said subsequent identity and said token

identity (1325-1365 in fig 13, par 0128-0130).

Re claim 12: Bjorn discloses apparatus to create within a computer system, an association

between a physical token memento object and a stored file for the purpose of retrieving and

presenting said stored file (1325-1365 in fig 13), said apparatus comprising: measuring means

(260 in fig 2, 860 in fig 8) by which physical parameters of said token are measured on the first

and subsequent occasions (525 in fig 5, fig 11A, fig 12B); processing means (860, 810, & etc...

in fig 8) to create a token identity and a subsequent identity from measurement data obtained

from said measuring mean (1145 in fig 11B), which token identity is based on consistent and

repeatable measurement (measurement of fingerprint is consistent and repeatable) without

requiring recognition of specific element of the object being measured (In fingerprint

measurement, specific element of the fingerprint such as specific segment of the valleys and/or

ridges of the fingerprint is not recognized. Rather the entire fingerprint is recognized as

belonging to a specific person.); an identity store to store said token identity (1145 in fig 11B:

database); a file store (1040 in fig 10) to store said files; means to associate said token identity

and said files (1150-1165 in fig 11B); searching means to find a match with said subsequent

identity in said identity store (1330 in fig 13); means to retrieve files associated with said token

identity, based on the identification of a match or a partial match between said subsequent

identity and said token identity (1325-1365 in fig 13, par 0128-0130); and presentation means by

which said retrieved files are presented to a user (130 in fig 1, 1050 in fig 10).

Re claim 13: Bjorn discloses apparatus according to claim 9, wherein said processing

means performs the tasks of: creating a token identity (1145 in fig 11B) and/or subsequent

identity; associating said token identity with said one or more files (1150-1165 in fig 11B);

searching to find a match with said subsequent identity; and/or retrieving said one or more files.

Re claim 14: Bjorn discloses apparatus according to claim 9, further including means to

control the measuring environment (840 in fig 8, par 0083: "light source").

Re claim 15: Bjorn discloses apparatus according to claim 14, wherein said control means

is a light source (840 in fig 8, par 0083: "light source").

Re claim 16: Bjorn discloses apparatus according to claim 9 taking a unitary form (fig 2:

Bjorn's system represented by fig 2 can be implemented either as a modular architecture or as a

unitary architecture.).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

7.   Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn (US

20010040987 A1) in view of Katsumura (US 6424738 B1).

Re claim 6: Bjorn discloses a method according to claim 1, wherein said token identity is

created from measurements of said parameters.

However, Bjorn does not disclose or fairly suggest the one or more other physical

characteristics of said token.

Katsumura however discloses the one or more other physical characteristics (fig 4: color and size) of a token (Token is an item that can be associated with file(s) in a computer in for the purpose of simplifying storage and retrieval of the file(s). Then, in Katsumura reference, the actual article is token, whose physical characteristic is associated with an image file of itself in the computer.).

Therefore, it would have been obvious at the time the invention was made to a person having ordinarily skill in the art to incorporate Katsumura's teaching in Bjorn's method for the purpose of enhancing accuracy of the matching process by adding another dimension of physical characteristic of the token to be processed.

Re claim 7: Bjorn discloses a method according claim 6.

However, Bjorn does not disclose or fairly suggest that a measurement of the weight of said token is used in the creation of said token identity.

Katsumura discloses that a measurement of various physical measurement of a token is used in the creation of said token identity (including open-ended "input other feature data" in B21 in fig 7C). Therefore, it would be obvious to add measuring weight of the Katsumura's token in addition other physical characteristics such as the size and color.

Therefore, it would have been obvious at the time the invention was made to a person having ordinarily skill in the art to incorporate the step of measuring weight in Bjorn's method for the purpose of enhancing accuracy of the matching process by adding another dimension of physical characteristic of the token to be processed.

Re claim 8: Bjorn discloses a method according to claim 1.

However, Bjorn does not disclose or fairly suggest that the measurement data of said

parameters and/or one or more other characteristics of is prioritized in the creation of said token

identity, by ascribing to each a value relative to each other.

Katsumura however discloses that measurement data of said parameters and/or one or

more other characteristics of is prioritized in the creation of said token identity, by ascribing to

each a value relative to each other (figs B6 in 7A, B11 in 7B, & B21 in 7C: Reference presents

prioritized order of "Input Color – Input size – Input other feature data").

Therefore, it would have been obvious at the time the invention was made to a person

having ordinarily skill in the art to incorporate Katsumura's teaching in Bjorn's method for the

purpose of logically narrowing the match results.

Response to Arguments

8.   Applicant's arguments have been fully considered but they are not persuasive.

Applicant's arguments are based on the specification. As such, the applicant's

arguments, while enhancing the understanding of the specification, fail to address the claim

rejection.

For example, applicant argued that an erroneous analogy between Bjorn's fingerprint and

a token has been made in the rejection and further argued that "a fingerprint is a body part and is

not a "token" within the meaning of the present application." However a sample of dictionary

definitions of a word "token" comprises: 1. a sign, indication, or symbol, 2. something serving as

a sign of authority, identity, genuineness, etc. and 3. a distinguishing mark or feature. The

fingerprint as used in the Bjorn reference certainly fits within the sample definitions of the word "token."

In addition, other arguments the applicant has made against the fingerprint being used as a token such as, "the fingerprint cannot be made to point to any other individual," or "a token is not a completely unique item in the same way as a fingertip or fingerprint, as it does not perform the same function," are moot because these feature and characteristics of the "token" that supposedly define token of the current application over the fingerprint in the Bjorn reference are NOT claimed.

In addition, applicant argued that the characteristics such as being 'a single, composite, electronic identity for the token which is a combination of all its features as an complex object identification profile (OIP).' distinguishes the "token identity" of the invention from the references used in the rejection. That may be. However, because again these are unclaimed characteristics, the argument does not address the claim rejection. Furthermore, the applicant's argument that the Katsumura reference involves additional steps of "manual keying in of character string data and commands" in the identification of the bag," that is not in the claim does not disqualify Katsumura reference. Method claim 1 (on which claims 6-8 depend) leaves open for the possibility of additional steps by using the word, "comprising."

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TAE W. KIM whose telephone number is (571)272-5971. The

examiner can normally be reached on Mon-Fri 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tae W Kim/   /Karl D Frech/
Examiner, Art Unit 2887   Primary Examiner, Art Unit 2887